

## Proposed COMBINED PERMITTING Zoning Bylaw Revisions

(6-21-16)

The intent of these revisions is to consolidate multiple zoning permits into a single application and permitting process before a single Board. Currently most Special Permits are issued by the Zoning Board of Appeals and all Site Plan Reviews are issued by the Planning Board. This requires two separate applications, two separate filing fees and two sets of Public Hearings the the applicant and abutters have to attend for the same project. These proposed revisions include changes requiring that whichever Board issues the Special Permit also issues the Site Plan Review, and redistributing the Special Permit responsibilities between the Planning Board and Zoning Board of Appeals.

### 4.1 Use Designations

Uses allowed in each zoning district are specified in Section 4.2. Designations in the Table are as follows:

- A. Uses Permitted By Right: "Y" indicates that a use is allowed by right in the district. See also Section 4.6, Exempt Uses.
- B. Special Permit Uses: "SPP" indicates that a use is allowed only if approved by the Planning Board and "SPZ" indicates that a use is allowed only if approved by the Zoning Board of Appeals, all in accordance with the special permit review procedures of Section 7.2. All conditions listed in the applicable sub-section of Section 4.3 must be met for a special permit to be granted.
- C. Uses Not Permitted: "N" indicates that a use is not allowed in the district. See also Section 4.7, Prohibited Uses.

### 4.2 Use Table, Principal Uses

ZONING DISTRICTS		RR	SR	LR	VR	TC	C	I	Refer to Section
<b>A. Residential Uses</b>									
1	Single-family	Y	Y	Y	Y	N	N	N	
2	Two-family	SPP	SPP	N	Y	Y	N	N	4.3.1
3	Multi-Family	N	SPP	N	SPP	Y	N	N	4.3.2
4	Conversion of an existing Single-family Dwelling to a Two-family	N	SPZ		SPZ	Y	N	N	4.3.3
5	Single-family Attached	SPP	SPP	N	SPP	Y	N	N	4.3.2
6	Accessory Apartment	SPZ	SPZ	SPZ	SPZ	SPZ	N	N	4.8.1
7	Open Space Residential Development	Y	Y	N	Y	N	N	N	4.8.2
8	Mixed Uses in a Single Building	N	N	N	SPZ	Y	N	N	4.3.9
<b>B. Public &amp; Civic Uses</b>									
1	Cemetery	SPZ	SPZ	N	N	N	SPZ	N	



<b>E. Retail Business and Consumer Service</b>									
1	Small scale retail sales and service with no outside storage	N	N	N	SPZ	Y	Y	N	
2	Small scale retail sales and service with outside storage	N	N	N	N	SPZ	Y	N	
3	Large scale retail sales and service with no outside storage	N	N	N	N	SPP	Y	N	
<b>ZONING DISTRICTS</b>		<b>RR</b>	<b>SR</b>	<b>LR</b>	<b>VR</b>	<b>TC</b>	<b>C</b>	<b>I</b>	
<b>E. Retail Business and Consumer Service continued</b>									
4	Large scale retail sales and service with outside storage	N	N	N	N	N	Y	N	
5	Sales of flowers, garden supplies, or agricultural products partly or wholly outdoors, which are not associated with an agricultural use (item C1 above).	SPZ	SPZ	N	N	SPZ	Y	N	
6	Shopping Center	N	N	N	N	SPP	SPP	N	4.3.10
7	Flea market	N	SPZ	N	N	N	SPZ	N	
8	Eating establishment, high turnover	N	N	SPZ	N	Y	Y	N	4.3.11
9	Eating establishment, low turnover	SPZ	N	SPZ	SPZ	Y	Y	N	4.3.11
10	Eating establishment, drive in/drive thru	SPZ	N	N	N	Y	Y	N	4.3.11
11	Eating establishment, specializing in serving alcoholic beverages	N	N	N	N	SPZ	N	N	
12	Personal service business such as but not limited to barber shops, beauty shops, tanning salons, nail salons.	N	N	N	N	Y	Y	N	
13	Dry cleaning, shoe repair, tailoring, or other similar uses	N	N	N	N	SPZ	N	N	4.3.12
14	Veterinary establishment or pet grooming establishment	SPZ	N	N	N	SPZ	SPZ	N	4.3.13
15	Dog Kennel	SPZ	N	N	N	N	N	N	
16	Bed & Breakfast, Inn	SPZ	SPZ	SPZ	SPZ	Y	Y	N	4.3.14
17	Hotel, motel	N	N	N	SPZ	SPZ	SPZ	N	4.3.15
18	Camp	SPP	N	N	N	N	N	N	4.3.16
19	Private membership club or lodge	SPZ	SPZ	SPZ	SPZ	SPZ	N	N	4.3.17
20	Indoor swimming, tennis or other recreational facility	SPZ	N	N	N	N	SPZ	N	
21	Indoor entertainment and recreational facility, including but not limited to bowling alley, theatre, or sports arena	N	N	N	N	SP	SPZ	N	4.3.18
22	Outdoor sports facility for non-motorized sports such as a golf course, country club, tennis club	SPZ	SPZ	SPZ	N	N	SPZ	N	4.3.19

23	Mortuary, undertaking or funeral establishment.	SPZ	N	N	N	N	Y	N	
24	Tattoo parlor, body piercing studio	N	N	N	N	SPZ	SPZ	N	4.3.20
25	Adult oriented establishment	N	N	N	N	N	SPZ	N	4.3.21
26	Registered Marijuana Dispensary	N	N	N	N	N	Y	Y	4.8.8
<b>ZONING DISTRICTS</b>		<b>RR</b>	<b>SR</b>	<b>LR</b>	<b>VR</b>	<b>TC</b>	<b>C</b>	<b>I</b>	
<b><i>F. Automotive Service</i></b>									
1	Gasoline service station	N	N	N	N	N	Y	N	
2	Sale or rental of automobiles, boats and other motor vehicles	N	N	N	N	N	SPZ	N	4.3.22
3	Automobile repair shop, autobody shop	N	N	N	N	SPZ	SPZ	SPZ	4.3.23
4	Car washing establishment	N	N	N	N	N	SPZ	N	
<b><i>G. Industrial, Wholesale and Transportation Uses</i></b>									
1	Laundry and dry cleaning plant	N	N	N	N	N	N	Y	
2	Printing, binding, publishing and related arts and trades	N	N	N	N	SPZ	Y	Y	
3	Bottling of beverages	N	N	N	N	N	Y	Y	
4	Small engine repair, or other similar service or repair establishment	N	N	N	N	N	SPZ	Y	4.3.24
5	Construction trades	SPP	N	N	N	N	SPP	Y	4.3.25
6	Manufacturing, assembling or packaging of goods	N	N	N	N	SPZ	SPZ	SPZ	4.3.26
7	Wholesale business and storage in a roofed structure	N	N	N	N	N	Y	Y	
8	Recycling facility	N	N	N	N	N	N	SPZ	4.3.27
9	Processing of wood	SPZ	N	N	N	N	N	Y	4.3.28
10	Trucking terminal	N	N	N	N	N	N	Y	
11	Freight terminal	N	N	N	N	N	N	Y	
12	Automotive processing facility, for the service to and repair of automobiles for automotive manufacturers	N	N	N	N	N	N	SPZ	
13	Open lot storage or sale of junk or salvaged materials	N	N	N	N	N	N	SPZ	
14	Storage Warehouse Buildings	N	N	N	N	N	Y	Y	
<b><i>H. Other Principal Uses (Amended 10/29/2009 Article 9)</i></b>									
1	The stripping of loam, peat, sand or gravel or other material except for reuse on the same property	SPZ	N	N	N	N	SPZ	SPZ	4.8.6

2	Wind Monitoring or Meteorological Tower	Y	Y	Y	Y	Y	Y	Y	4.8.7
3	Small Scale Wind Energy Conversion Devices	Y/SPP	Y/SPP	Y/SPP	Y/SPP	Y/SPP	Y/SPP	Y/SPP	4.8.7
4	Large Scale Wind Energy Conversion Devices	SPP	SPP	SPP	SPP	SPP	SPP	SPP	4.8.7
5	Wireless Data Transfer Facilities	Y/SPZ	Y/SPZ	Y/SPZ	Y/SPZ	Y/SPZ	Y/SPZ	Y/SPZ	4.85

### Other required amended Articles:

## 3.4 Overlay District

### 3.4.1 Aquifer Protection District

- B. Scope of Authority. The Aquifer Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Aquifer Protection District must additionally comply with the requirements of the Aquifer Protection District regulations. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District. All Special Permits required under this section shall be issued by the Zoning Board of Appeals except that the Planning Board shall issue them in cases where Site Plan Review and/or a Planning Board Special Permit in Section 4.2 Use Table, Principal Uses is required.

### 3.4.2. Floodplain District

- H. Special Permits. No structure or building shall be erected, constructed, substantially improved, reconstructed (except as provided in Paragraph F above), or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted. All Special Permits required under this section shall be issued by the Zoning Board of Appeals except that the Planning Board shall issue them in cases where Site Plan Review and/or a Planning Board Special Permit in Section 4.2 Use Table, Principal Uses is required. Said Board may issue a special permit hereunder (subject to other provisions of this bylaw) if the application is compliant with the following provisions:

## 4.3 Performance Standards

### 4.3.25 Construction trades (G-5)

- A. Are permitted in the RR district provided the parcel is a minimum of five acres in size, the building or outside area used for storage of equipment or materials is a minimum of 100 feet from any lot line and 300 feet from any existing dwelling, and the area between any

abutting property and the storage area is vegetated with either dense natural vegetation or landscaped to provide a dense buffer. A site plan in compliance with Section 7.4 shall be submitted along with the special permit application.

#### **4.4 Accessory Uses**

*4.4.1 The following uses are permitted as indicated below as accessory uses to the primary use of the property.* In no case shall such uses exceed 40% of the property, determined by square footage of the structure in which it is located or square footage of the area of the parcel, whichever is the appropriate measure. All Special Permits required under this section shall be issued by the Zoning Board of Appeals except that the Planning Board shall issue them in cases where Site Plan Review and/or a Planning Board Special Permit in Section 4.2 Use Table, Principal Uses is required.

- B. A private garage may be located on an abutting legal non-conforming parcel, including a parcel in the same ownership which is directly across the street from the residence, upon the granting of a special permit. Setbacks required in Section 5.1 of this Zoning Bylaw shall be met to the greatest extent practicable. In determining what is practicable, consideration shall be given to a typical two car garage as the normal size, and conditions may be imposed relative to size restrictions on the proposed structure to minimize setback encroachments.

#### **4.5 Temporary Uses.**

*4.5.2 Occupancy of an existing single-family dwelling during construction of a new single-family dwelling* on the same parcel is allowed by Special Permit issued by the Zoning Board of Appeals for a period to be determined based on a construction schedule to be submitted with the application. The special permit shall specify the timeframe within which the existing single-family dwelling shall be demolished.

*4.5.3 Placement and occupancy of a mobile home during reconstruction of an existing single-family dwelling* on the same parcel is allowed by Special Permit issued by the Zoning Board of Appeals for a period to be determined based on a construction schedule to be submitted with the application. The ZBA may authorize placement of the mobile home within the required setbacks if necessary.

#### **5.2 Interpretation notes for area.** The following shall be used to interpret the table of area requirements:

*5.2.6 Detached Accessory Structures*, including garages, sheds, swimming pools, etc. (see Section 4.4.1.A), on residential lots shall have a 10 foot setback from the side or rear lot line, provided said structure is located within the rear yard (i.e. anywhere behind the house from one side property line to the other). Any future connection of an accessory structure to a primary structure that creates a nonconformity with regard to setbacks may be allowed by Special Permit issued by the Zoning Board of Appeals.

#### **5.3 Specific provisions for area requirements:**

All Special Permits required under this section shall be issued by the Zoning Board of Appeals except that the Planning Board shall issue them in cases where Site Plan Review and/or a Planning Board Special Permit in Section 4.2 Use Table, Principal Uses is required.

## **6.1 Off Street Parking & Loading Requirements**

### **6.1.1** *Number of Spaces*

#### **H.** Table of Parking Requirements

1. The permitting authority is the Building Inspector/Zoning Enforcement Officer for projects only requiring a building permit or a business certificate. All Special Permits required under this section shall be issued by the Zoning Board of Appeals except that the Planning Board shall issue them in cases where Site Plan Review and/or a Planning Board Special Permit in Section 4.2 Use Table, Principal Uses is required.

## **6.5 Signage** (All Special Permits required under this section shall be issued by the Zoning Board of Appeals except that the Planning Board shall issue them in cases where Site Plan Review and/or a Planning Board Special Permit in Section 4.2 Use Table, Principal Uses is required.)

### **6.5.5. Administration**

- B. Relief from these regulations. Relief from the restrictions in Section 6.5.3 may be granted by Special Permit, provided the Sign Advisory Committee submits their written report prior to or at the public hearing on the application. Failure of the Committee to submit a written report shall constitute a recommendation for approval with no modifications to the proposed sign by the Committee.

## **7.2 Special Permits**

### **7.2.1** *Special Permit Granting Authority – (Reserved for future use)*

## **7.4 Site Plan Review**

**7.4.3 Procedure.** - Site Plan Review shall be administered by the Planning Board except, in cases where the project also requires a Special Permit, said Site Plan Approval shall be issued by the same Special Permit Granting Authority and shall be included as part of that Special Permit Application. In such cases the Site Plan Approval and Special Permit reviews and procedures shall be consolidated into a single process and any approval, findings and conditions for said Site Plan Approval shall be in addition to and incorporated as a part of the findings and conditions of the Special Permit.

- E. (reserved for future use)
- F. (reserved for future use)
- H. No deviation from an approved site plan shall be permitted without approval by the permitting authority.